





**Universal Service Administrative Company**  
Schools & Libraries Division

Cynthia L. Beach  
cbeach@universalservice.org

January 5, 2005

Green and Gross, P.C.  
Mr. Paul A. Sober  
1087 Broad Street  
Bridgeport, CT 06604-4231

RE: Schools and Libraries Beneficiary Audit Reports  
Bassick High School  
Beardsley Elementary School  
James Curiale School

Dear Mr. Sober:

We are in receipt of your letters dated December 3, 2004 in which you responded to our non-compliant auditee letters addressed to Mercury Communications, Inc. regarding Bassick High School, Beardsley Elementary School and James Curiale School.

We have reviewed the information you provided in which you stated that Mercury was not responsible for installation of the monitors because Mercury was not contracted to supply them. We have confirmed this information with representatives from the schools listed above. Consequently, we are withdrawing our non-compliant auditee letter as to Mercury Communications, Inc..

Thank you for your response to our letter.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia L. Beach".

Cynthia L. Beach  
Manager of Audit Response

**RECEIVED**  
JAN - 7 2005

GREEN & GROSS, P.C.



In the Matter of	)	
	)	
Requests for Review of the Decisions of the	)	
Universal Service Administrator	)	
	)	
Ameritech Advanced Data Services – St. Lorenz	)	File No. SLD-190856
Lutheran School	)	
Frankenmuth, Michigan	)	
	)	
BellSouth Telecommunications Inc. – Orleans	)	File No. SLD-139084
Parish School District	)	
New Orleans, Louisiana	)	
	)	
DeltaNet, Inc. – Calvery Chapel Academy	)	File No. SLD-193126
Lawrence, Kansas	)	
	)	
OneNet – Ada Independent School District 119	)	File No. SLD-139469
Ada, Oklahoma	)	
	)	
OneNet – Beaver Independent School District 22	)	File No. SLD-136909
Beaver, Oklahoma	)	
	)	
OneNet – Butler Independent School District	)	File No. SLD-148043
Butler, Oklahoma	)	
	)	
OneNet – Caddo-Kiowa Area Voc-Tech	)	File No. SLD-131594
Fort Cobb, Oklahoma	)	
	)	
OneNet – Cameron Independent School District	)	File No. SLD-188742
Stilwell, Oklahoma	)	
	)	
OneNet – Erick Independent School District 51	)	File No. SLD-142525
Erick, Oklahoma	)	
	)	
OneNet – Forgan Independent School District 123	)	File No. SLD-136613
Forgan, Oklahoma	)	
	)	
OneNet – Great Plains Voc-Tech Center	)	File No. SLD-143302
Lawton, Oklahoma	)	
	)	
OneNet – Kiamichi Area Vo-Tech District	)	File No. SLD-133567
Wilburton, Oklahoma	)	
	)	
OneNet – Lawton Public School District 18	)	File Nos. SLD-184815, 244186
Lawton, Oklahoma	)	

OneNet – Milburn Independent School District 29 Milburn, Oklahoma	) ) )	File No. SLD-157614
OneNet – Moyers School District 22 Moyers, Oklahoma	) ) )	File No. SLD-138825
OneNet – Oklahoma School for the Deaf Sulphur, Oklahoma	) ) )	File No. SLD-133545
OneNet – Perry Independent School District Perry, Oklahoma	) ) )	File No. SLD-139881
OneNet – Pickett-Center School District 20 Ada, Oklahoma	) ) )	File No. SLD-248989
OneNet – Sapulpa Public Schools Sapulpa, Oklahoma	) ) )	File No. SLD-149283
OneNet – Southeastern Public Library System of Oklahoma McAlester, Oklahoma	) ) ) )	File No. SLD-227111
OneNet – Southwestern Technology Center Altus, Oklahoma	) ) )	File No. SLD-243332
OneNet – Stuart Independent School District 54 Stuart, Oklahoma	) ) )	File No. SLD-141201
OneNet – Sulphur Independent School District Sulphur, Oklahoma	) ) )	File No. SLD-135472
OneNet – Talihina Independent School District 52 Talihina, Oklahoma	) ) )	File No. SLD-137880
OneNet – Turpin Independent School District 128 Turpin, Oklahoma	) ) )	File No. SLD-135463
OneNet – Washita Heights Independent School District 9 Corn, Oklahoma	) ) ) )	File No. SLD-170951
OneNet – Woodward Independent School District 1 Woodward, Oklahoma	) ) )	File No. SLD-139949
Pacific Bell Telephone Company – Alum Rock Union Elementary School San Jose, California	) ) ) )	File No. SLD-179828
Southwestern Bell Telephone Company – Cherryvale Unified School District 447 Cherryvale, Kansas	) ) ) )	File Nos. 204391, 149907

Southwestern Bell Telephone Company – Erie-St. Paul Unified School District 101 Erie, Kansas	) ) ) )	File No. SLD-204551
Southwestern Bell Telephone Company – Frontenac-Crawford District 249 Frontenac, Kansas	) ) ) )	File No. SLD-204523
Southwestern Bell Telephone Company – Indianola Independent School District 25 Indianola, Oklahoma	) ) ) )	File No. SLD-147340
Southwestern Bell Telephone Company – Winfield Unified School District 465 Winfield, Kansas	) ) ) )	File No. SLD-204380
Southwestern Bell Telephone Company – Yates Center Unified School District 366 Yates Center, Kansas	) ) ) ) )	File No. SLD-204693
Sprint Local Telephone Division – Baxter Springs Unified School District 508 Baxter Springs, Kansas	) ) ) )	File No. SLD-204398
Sprint Local Telephone Division – Central Heights School District 288 Richmond, Kansas	) ) ) )	File No. SLD-204357
Sprint Local Telephone Division – Erie-St. Paul Unified School District No. 101 Erie, Kansas	) ) ) )	File No. SLD-204551
Sprint Local Telephone Division – Galena Unified School District 499 Galena, Kansas	) ) ) )	File No. SLD-204385
Sprint Local Telephone Division – Marmaton Valley School District 256 Moran, Kansas	) ) ) )	File No. SLD-204629, 310862
Sprint Local Telephone Division – Oswego Unified School District 504 Oswego, Kansas	) ) ) )	File No. SLD-204440
Sprint PCS – Heritage Charter School Dallas, Texas	) ) ) )	File No. SLD-202864
Sprint Spectrum, L.P. – Youngstown Youth Academy Youngstown, Ohio	) ) ) )	File No. SLD-357055

Verizon Network Integration Corp. -- Morris Catholic High School Denville, New Jersey	)	File No. SLD-305417
	)	
	)	
Verizon Network Integration Corp. -- South Baltimore Learning Center Baltimore, Maryland	)	File Nos. SLD-125549, 192919, 245858, 314139
	)	
	)	
Verizon New Jersey, Inc. -- Queen of Peace High School North Arlington, New Jersey	)	File No. SLD-306545
	)	
	)	
Verizon New York, Inc. -- Churchill School and Center New York, New York	)	File No. SLD-164607
	)	
	)	
ZEN Computer Systems -- Heritage Charter School Dallas, Texas	)	File No. SLD-202864
	)	
	)	
Schools and Libraries Universal Support Mechanism	)	CC Docket No. 02-6

## ORDER

Adopted: January 18, 2005

Released: January 18, 2005

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration the above-captioned Requests for Review of commitment adjustment decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC).<sup>1</sup> For the reasons set forth

<sup>1</sup> Letter from Christopher M. Heimann, Ameritech Advanced Data Services, Inc. -- St. Lorenz Lutheran School, filed July 14, 2004; Letter from Theodore C. Marcus, BellSouth Telecommunications, Inc. -- Orleans Parish School District, filed May 10, 2004; Letter from Ben Rowner, DeltaNet, Inc. -- Calvery Chapel Academy, filed December 15, 2003; Letter from Kurt A. Snodgrass, OneNet -- all referenced applicants, filed March 8, 2004; Letter from Christopher M. Heimann, Pacific Bell Telephone Company -- Alum Rock Union Elementary School, filed June 18, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Cherryvale Unified School District 447, filed July 20, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Erie-St. Paul Unified School District, filed July 20, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Frontenac-Crawford District 249, filed July 20, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Indianola Independent School District 25, filed July 29, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Winfield, Kansas, filed July 20, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company -- Yates Center Unified School District 366, filed July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Baxter Springs Unified School District 508, filed July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Central Heights School District 288, filed July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Erie-St. Paul Unified School District 101, filed on July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Galena Unified School District 499, filed on July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Marmaton Valley School District 256, filed on July 20, 2004; Letter from Norina Moy, Sprint Local Telephone Division -- Oswego Unified School District 504, filed July 20, 2004; Letter from Norina Moy, Sprint PCS -- Heritage Charter School, filed March 19, 2004; Letter from Norina Moy, Sprint Spectrum, L.P. -- Youngstown

(continued...)

below, we grant the Requests for Review and remand them to USAC for further consideration.

2. Prior to the *Schools Fourth Order*, the Commission directed USAC to recover funds disbursed in violation of the statute or a rule from service providers only.<sup>2</sup> In the *Schools Fourth Order*, the Commission determined that recovery of schools and libraries funds disbursed in violation of the statute or a rule should be directed to the party or parties responsible for the statutory or rule violation, including a school or library.<sup>3</sup> The Commission directed USAC to implement this policy on a going forward basis to all matters for which USAC has not yet issued a demand letter as of the effective date of the Order and to all recovery actions currently under appeal to either USAC or the Commission.<sup>4</sup> Each Request for Review raises the argument that another party, particularly the school or library receiving discounted services or another service provider, committed the statutory or rule violation for which SLD is seeking recovery of funds.<sup>5</sup> Because USAC did not consider which party was responsible for the statutory or rule violation at issue, we find it appropriate to remand the above-captioned Requests for Review of commitment adjustment decisions to USAC for further consideration consistent with the Commission's decision in the *Schools Fourth Order*.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests for review filed by Ameritech Advanced Data Services, Inc. – St. Lorenz Lutheran School, Frankenmuth, Michigan, on July 14, 2004; BellSouth Telecommunications, Inc. – Orleans Parish School District, New Orleans, Louisiana, on May 10, 2004; DeltaNet, Inc. – Calvary Chapel Academy, Lawrence, Kansas, on December 15, 2003; OneNet – Ada Independent School District 119, Ada, Oklahoma, on March 8, 2004; OneNet – Beaver Independent School District 22, Beaver, Oklahoma, on March 8, 2004; OneNet – Butler Independent School District, Butler, Oklahoma, on March 8, 2004; OneNet – Caddo-Kiowa Area Voc-Tech, Fort Cobb, Oklahoma, on March 8, 2004; OneNet – Cameron Independent School District, Stilwell, Oklahoma, on March 8, 2004; OneNet – Erick Independent School District, Erick, Oklahoma, on March 8, 2004; OneNet – Forgan Independent School District 123, Forgan, Oklahoma, on March 8, 2004; OneNet – Great Plains Voc-Tech Center, Lawton, Oklahoma, on March 8, 2004; OneNet – Kiamichi Area Vo-Tech District, Wilburton, Oklahoma, on March 8, 2004; OneNet – Lawton Public School District 18, Lawton, Oklahoma, on March 8, 2004; OneNet – Milburn Independent School District 29, Milburn, Oklahoma, on March 8, 2004; OneNet – Moyers School District 22, Moyers, Oklahoma, on March 8, 2004; OneNet – Oklahoma School for the Deaf, Sulphur, Oklahoma, on March 8, 2004; OneNet – Perry Independent School District, Perry, Oklahoma, on March 8, 2004; OneNet – Pickett-Center School District 20, Ada, Oklahoma, on March 8, 2004; OneNet – Sapulpa Public Schools, Sapulpa, Oklahoma, on March 8, 2004; OneNet – Southeastern Public Library System of Oklahoma, McAlester, Oklahoma, on March 8, 2004; OneNet – Southwestern Technology Center, Altus, Oklahoma, on March 8, 2004;

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Youth Academy, filed September 17, 2004; Letter from Ann H. Rakestraw, Verizon Network Integration Corp. – Morris Catholic High School, filed January 16, 2004; Letters from Ann H. Rakestraw, Verizon Network Integration Corp. – South Baltimore Learning Center, filed July 26, 2004; Letter from Ann H. Rakestraw, Verizon New Jersey, Inc. – Queen of Peace High School, filed January 16, 2004; Letter from Ann H. Rakestraw, Verizon New York, Inc. – Churchill School and Center, filed July 9, 2004; Letter from Jim Cao, ZEN Computer Systems – Heritage Charter School, filed March 22, 2004 (together Requests for Review).

<sup>2</sup> *Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 97-21 and 96-45, Order, FCC 99-291, para. 9 (rel. Oct. 8, 1999) (*Commitment Adjustment Order*).

<sup>3</sup> *Federal State Joint Board on Universal Service, Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Schools and Libraries Universal Support Mechanism*, Order on Reconsideration and Fourth Report and Order, 19 FCC Rcd 15252 (2004) (*Schools Fourth Order*).

<sup>4</sup> *Id.* 19 FCC Rcd at 15256, para. 10.

<sup>5</sup> *Id.*



OneNet – Talihina Independent School District 52, Talihina, Oklahoma, on March 8, 2004; OneNet – Turpin Independent School District 128, Turpin, Oklahoma, on March 8, 2004; OneNet – Washita Heights Independent School District 9, Corn, Oklahoma, on March 8, 2004; OneNet – Woodward Independent School District 1, Woodward, Oklahoma, on March 8, 2004; Pacific Bell Telephone Company – Alum Rock Union Elementary School, San Jose, California, on June 18, 2004; Southwestern Bell Telephone Company – Cherryvale Unified School District 447, Cherryvale, Kansas, on July 20, 2004; Southwestern Bell Telephone Company – Erie-St. Paul Unified School District 101, Erie, Kansas, on July 20, 2004; Southwestern Bell Telephone Company – Frontenac-Crawford District 249, Frontenac, Kansas, on July 20, 2004; Southwestern Bell Telephone Company – Indianola Independent School District 25, Indianola, Oklahoma, on July 29, 2004; Southwestern Bell Telephone Company – Winfield Unified School District 465, Winfield, Kansas, on July 20, 2004; Southwestern Bell Telephone Company – Yates Center Unified School District 366, Yates Center, Kansas, on July 20, 2004; Sprint Local Telephone Division – Baxter Springs Unified School District 508, Baxter Springs, Kansas, on July 20, 2004; Sprint Local Telephone Division – Central Heights School District 288, Richmond, Kansas, on July 20, 2004; Sprint Local Telephone Division – Erie-St. Paul Unified Schools District 101, Erie, Kansas, on July 20, 2004; Sprint Local Telephone Division – Galena Unified School District 499, Galena, Kansas, on July 20, 2004; Sprint Local Telephone Division – Marmaton Valley School District 256, Moran, Kansas, on July 20, 2004; Sprint Local Telephone Division – Oswego Unified School District 504, Oswego, Kansas, on July 20, 2004; Sprint PCS – Heritage Charter School, Dallas, Texas, on March 19, 2004; Sprint Spectrum, L.P. – Youngstown Youth Academy, Youngstown, Ohio, on September 17, 2004; Verizon Network Integration Corp. – Morris Catholic High School, Denville, New Jersey, on January 16, 2004; Verizon Network Integration Corp. – South Baltimore Learning Center, Baltimore, Maryland, on July 26, 2004; Verizon New Jersey, Inc. – Queen of Peace High School, North Arlington, New Jersey, on January 16, 2004; Verizon New York, Inc. – Churchill School and Center, New York, New York, on July 9, 2004; ZEN Computer Systems – Heritage Charter School, Dallas, Texas, on March 22, 2004, ARE GRANTED, and these appeals ARE REMANDED to USAC for further action consistent with this Order.

## FEDERAL COMMUNICATIONS COMMISSION

Vickie Robinson  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau